

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

ANDRITZ HYDRO CANADA INC., the successor to
VA TECH HYDRO CANADA, INC.,

Plaintiff,

vs.

ROCHESTER GAS AND ELECTRIC CORPORATION,

Defendant.

NOTICE OF MOTION

Civil Action No.:
6:20-cv-06772-FPG

PLEASE TAKE NOTICE that upon the Declaration of John R. Forbush, dated December 17, 2020 and the Exhibits A through C thereto, the accompanying Memorandum of Law in Support of defendant's Motion to Dismiss, dated December 18, 2020, and all pleadings and proceedings had herein, defendant Rochester Gas and Electric Corporation will move this Court, on January 14, 2021, at the Kenneth B. Keating Federal Building, 100 State Street, Rochester, New York 14614, before the Honorable Frank P. Geraci, Chief United States District Judge, for an Order, pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure and the precedent and authority cited in defendant's Memorandum of Law, dismissing plaintiff's Complaint and this action in its entirety and granting such other and further relief as the Court deems just.

PLEASE TAKE FURTHER NOTICE that defendant intends to file and serve reply papers, and any opposition must be served in accordance with Local Rule of Civil Procedure 7(b)(2).

Dated: December 18, 2020

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